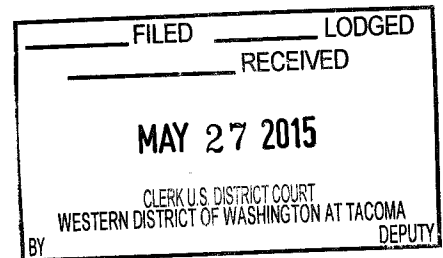


Judge Ronald B. Leighton



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER MROWCA, et al.

Defendants.

NO. CR14-5348RBL

**[PROPOSED]
STIPULATED PRELIMINARY
ORDER OF FORFEITURE**

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and based upon the guilty plea of Defendant CHRISTOPHER MROWCA (hereinafter, "Defendant") to *Conspiracy to Commit Securities Fraud*, as charged in Count One of the Indictment, in violation of Title 18, United States Code, Section 371, and upon the Plea Agreement filed in this matter between Defendant and the United States, in which Defendant agreed to the forfeiture of the property described below, it is hereby:

ORDERED, ADJUDGED, and DECREED that, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), Defendant's interest in the following property is hereby forfeited to the United States of America:

- 1 1. A money judgment in the amount of \$244,719.00, which represents
2 proceeds obtained as a result of the offense charged in Count One of the
3 Indictment, to be paid by Defendant prior to sentencing.¹

4 The Court finds that the above-described property is subject to forfeiture as
5 property that constitutes or was derived from proceeds traceable to the offense charged in
6 Count One of the Indictment, or constitutes substitute property pursuant to Title 21,
7 United States Code, Section 853(p), as incorporated in Title 28, United States Code,
8 Section 2461(c).

9 IT IS FURTHER ORDERED that the United States Marshals Service and/or its
10 authorized agents or representatives shall seize the property described above, and
11 maintain said property in its custody and control until further order of this Court, or until
12 this Order becomes final pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal
13 Procedure.

14 IT IS FURTHER ORDERED that, pursuant to Title 21, United States Code,
15 Section 853(n), the United States shall publish notice of the Preliminary Order of
16 Forfeiture and of the intent of the United States to dispose of the property in accordance
17 with law. The notice shall state that any person, other than Defendant, having or
18 claiming a legal interest in the above-described property must file a petition with the
19 Court within sixty (60) days of the first day of publication of notice (which is thirty (30)
20 days from the last day of publication) on an official internet government forfeiture
21 website, currently www.forfeiture.gov, or within thirty (30) days of receipt of actual
22 notice, whichever is earlier.

23 The notice shall advise such interested person that:

- 24 1. The petition shall be for a hearing to adjudicate the validity of the
25 petitioner's alleged interest in such property;
26 2. The petition shall be signed by the petitioner under penalty of perjury; and

27 ¹ As stated in the Plea Agreement, if Defendant satisfies the money judgment prior to sentencing the
28 United States agrees to return the 2013 BMW 550xi bearing VIN #WBAFU9C56DDY70857, and all non-
 contraband evidence, including precious metals and cash.

1 3. The petition shall set forth the nature and extent of the petitioner's right,
2 title, or interest in the forfeited property.

3 The petition shall also set forth any additional facts supporting the petitioner's claim and
4 the relief sought.

5 The United States shall also, to the extent possible, provide direct written notice as
6 a substitute for published notice to any person known to have an alleged interest in the
7 above-described property that is the subject of this Preliminary Order of Forfeiture.

8 Upon adjudication of any third-party claims, this Court will enter a Final Order of
9 Forfeiture pursuant to Title 21, United States Code, Section 853, in which all such claims
10 will be addressed.

11 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(4) of the Federal Rules
12 of Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the
13 defendant. If no third party files a timely claim, this Order shall become the Final Order
14 of Forfeiture as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

15 IT IS FURTHER ORDERED that after the disposition of any motion filed under
16 Rule 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure, and before a hearing on
17 any third-party petition, discovery may be conducted in accordance with the Federal
18 Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to
19 resolve factual issues.

20 WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides
21 that "no ancillary proceeding is required to the extent that the forfeiture consists of a
22 money judgment."

23 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), this Order of
24 Forfeiture shall become final as to the defendant at of the time of sentencing, and shall be
25 made part of the sentence and included in the judgment.

26 IT IS FURTHER ORDERED that the United States may, at any time, pursuant to
27 Rule 32.2(e), move to amend this Order of Forfeiture to substitute property having a
28

1 value not to exceed \$244,719.00 to satisfy the money judgment in whole or in part,
2 toward the \$244,719.00 forfeiture money judgment.

3 IT IS FURTHER ORDERED that the United States shall have clear title to the
4 above-described property following the Court's disposition of all third-party interests, or,
5 if none, following the expiration of the period provided in Title 21, United States Code,
6 Section 853(n) for the filing of third-party petitions.

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1 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this
2 Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of
3 Criminal Procedure. The Clerk is directed to send a copy of this Preliminary Order of
4 Forfeiture to all counsel of record.

5 IT IS SO ORDERED.

6 DATED this 27th day of May, 2015.

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9 RONALD B. LEIGHTON
10 United States District Judge

11 Presented by:

12 s/ Matthew H. Thomas

13 MATTHEW H. THOMAS
14 Assistant United States Attorney
15 United States Attorney's Office

16 s/ Justin W. Arnold

17 JUSTIN W. ARNOLD
18 Assistant United States Attorney
19 United States Attorney's Office

20 s/ Robert G. Chadwell

21 ROBERT G. CHADWELL
22 McKay Chadwell
23 Attorneys for Defendant Christopher Mrowca
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